

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ILLINOIS NUT & CANDY HOME OF
FANTASIA CONFECTIONS, LLC, an Illinois
limited liability company, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

GRUBHUB, INC., a Delaware corporation,
and GRUBHUB SEAMLESS, INC., a
Delaware corporation,

Defendants.

Case No. 14-CV-949

Honorable Elaine E. Bucklo

JOINT MOTION TO RESET FINAL APPROVAL HEARING DATE

Plaintiff Illinois Nut & Candy Home of Fantasia Confections, LLC (“Plaintiff”) and Defendants GrubHub Inc. n/k/a GrubHub Holdings Inc. and GrubHub Seamless Inc. n/k/a GrubHub Inc. (“Defendants”), pursuant to Federal Rule of Civil Procedure 6(b), jointly move this Court to reset the Final Approval Hearing date currently scheduled for December 2, 2014, at 1:30 p.m. to a date and time at least 21 days later that is convenient to the Court. In support of this joint motion, the Parties state as follows.

1. On August 29, 2014, this Court entered an Order Preliminarily Approving Proposed Class Action Settlement and Form of Class Notice. (*See* Dkt. 28.) The order scheduled a Final Approval Hearing on the parties’ proposed classwide settlement for December 2, 2014, at 1:30 p.m. and stated further that, “The Court reserves the right to continue the Final Approval Hearing without further written notice.” (*Id.* at ¶¶ 26-27.)

2. In accordance with the Preliminary Approval Order, class notices were sent by U.S. mail to the last known address of all putative settlement class members. No putative class

members have objected to or opted out of the settlement, and none have indicated an intent to appear at the Final Approval Hearing.

3. Defendants also sent notices to the U.S. and state attorneys general pursuant to the Class Action Fairness Act (CAFA). However, none of them have indicated an intent to appear at the Final Approval Hearing.

4. The parties need additional time to confer with one another and submit appropriate documentation in connection with the proposed classwide settlement. Therefore, the parties jointly request that the Court reset the Final Approval Hearing date from December 2, 2014, to a date at least 21 days later that is convenient for the Court.

5. Resetting the Final Approval Hearing date will not prejudice anyone because no class member or other third party has indicated an intent to attend the Final Approval Hearing, and the Court expressly reserved the right to continue the hearing “without further written notice.” (Dkt. 28 at ¶ 27.)

WHEREFORE, Plaintiff and Defendants jointly request that the Court reset the Final Approval Hearing date currently scheduled for December 2, 2014, at 1:30 p.m. to a date and time at least 21 days later that is convenient to the Court, and to grant such other and further relief as the Court deems just or necessary.

Dated: November 25, 2014

Respectfully submitted,

**ILLINOIS NUT & CANDY HOME
OF FANTASIA CONFECTIONS, LLC**

By: /s Joseph J. Siprut
One of Its Attorneys

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Respectfully submitted,

**GRUBHUB INC. and GRUBHUB
SEAMLESS INC., Defendants**

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing **Joint Motion to Reset Final Approval Hearing Date** was filed this 25th day of November, 2014, via the electronic filing system of the Northern District of Illinois, which will automatically serve all counsel of record.

/s/ Joseph J. Siprut
Joseph J. Siprut